

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

|                          |   |                     |
|--------------------------|---|---------------------|
| IN RE:                   | ) | CHAPTER 13          |
|                          | ) |                     |
| REBECCA CATHERINE FIELDS | ) | BANKRUPTCY CASE NO. |
|                          | ) |                     |
| DEBTOR                   | ) | <u>13-71148</u>     |
|                          | ) |                     |

**MOTION FOR DISTRIBUTION**

COMES NOW your Applicant, Bryan James Palmer of Michael D. Hart, P.C., counsel for Debtor, and would move this Court for an Order Deducting 503(b) Claims from the return of payments to the Debtor(s) upon dismissal of the Petition or its conversion to Chapter 7, pursuant to §1326(a)(2), and in support thereof would state as follows:

1. Debtor filed a chapter 13 petition on or about July 10, 2013.
2. Counsel for Debtor has assisted Debtor in preparation of documents necessary in connection with the petition for bankruptcy relief including the schedules, statement of financial affairs, and a proposed chapter 13 plan. Counsel for Debtor provided representation at the first meeting of creditors and at numerous confirmation hearings. Counsel for Debtor communicated with creditors and the Debtor by mail and telephone as needed to respond to matters typically incidental to an uncontested Chapter 13 case.
3. A Chapter 13 Plan was never confirmed.
4. The Trustee has filed a motion to dismiss and/or convert the petition.
5. Upon information and belief, the petition is about to or has been dismissed or converted to a petition under Chapter 7 of the Bankruptcy Code.
6. Section 1326(a)(2) states the if a plan is not confirmed, the trustee shall return any such payment to the debtor after deducting any unpaid claim

allowed under section 503(b) of Title 11 U.S.C.

7. Debtor owes Applicant a balance of **\$2,675.00** as an administrative expense for services rendered post petition, pursuant to the Agreement entered into between Debtor and counsel.
8. Applicant requests the court approve the fees incurred by Debtor for services rendered or to be rendered pursuant to the flat fee agreement in the above stated amount.
9. The agreement provides for distribution to Counsel for Debtor as permitted by section 1326(a)(2) of the Bankruptcy Code upon dismissal or conversion of the case.
10. Applicant requests that the Court waive Notice and Hearing on this Motion.

WHEREFORE, your Applicant would request that the Court enter an Order allowing fees as agreed, and directing the Trustee to make payment of the fees to the extent possible from funds on hand prior to the return of said funds by the Trustee to the Debtor.

Respectfully submitted,

/s/ Bryan James Palmer  
Bryan James Palmer, Esq.  
Michael D. Hart, P.C.  
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Roanoke, VA 24004  
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**NOTICE OF HEARING**

PLEASE BE ADVISED that a hearing has been scheduled on the enclosed Motion for Distribution on **October 21, 2013 at 9:30 a.m.**, before the United States Bankruptcy Court for the Western District of Virginia, located in Old Federal Building, Room 212, 2nd Floor, Corner 2nd and Church Avenue, Roanoke, Virginia.

Absent response, filed in writing with the Clerk and counsel for the Debtors, within twenty (20) days from the date of this Notice, Movant shall submit for entry a default order, which may be entered without further notice or hearing.

Respectfully submitted,

/s/ Bryan James Palmer  
Bryan James Palmer, Esq.  
Michael D. Hart, P.C.  
Post Office Box 622  
Roanoke, VA 24004  
540 342-9736  
ecm\_service@hart.roacoxmail.com

**CERTIFICATE OF SERVICE**

I, Michael D. Hart, certify that I mailed a true copy of the foregoing Notice and Motion for Distribution to; Debtors, Rebecca Fields at 2937 Glenrose Avenue Roanoke, VA 24017-3129, via first-class mail and to Trustee, Christopher T. Micale via electronic mail on this September 10, 2013.

/s/ Bryan James Palmer